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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/606,684 | 06/26/2003 | Bernd Moller | P16433-US2 | 5302 |
| 27045 | 7590 | 03/24/2006 | EXAMINER | |
| ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024 | | | HANNON, CHRISTIAN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2618 | |

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/606,684 | MOLLER ET AL. | |
| | Examiner | Art Unit | |
| | Christian A. Hannon | 2685 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/6/06
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is response to applicant's response filed on 02/06/2006. Claims 1-4, 6-15 & 17-19 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajaram (US 6,918,108).

Regarding claim 1, Rajaram teaches a platform system comprising a software services component comprising at least one functional software unit, the PMRTI (Figure 1, Item 102; Column 2, Lines 32-39; Rajaram), a hardware component comprising at least one hardware unit associated with the at least one functional software unit (Figure 1, Item 106; Column 4, Lines 39-44; Rajaram), here the associated functional software unit (its function being to contain the updated software Column 5, Lines 35-39; Rajaram) is the update contained in software update unit 102 of figure1, and an interface component, the file system section (FSS) (Column 2, Lines 32-39; Rajaram) comprising at least one software interface, the interface component being adapted to provide

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access by a mobile terminal application software for testing the mobile terminal to the software services component and the hardware component during testing of a mobile terminal and during a lifecycle of the mobile terminal (Column 15, Lines 5-65; Rajaram) and wherein a code space occupied by the mobile terminal application software may be overwritten after the testing of the mobile terminal has been completed (Column 15, Lines 62-65; Rajaram). Rajaram shows taking a software update (Figure 1, Item 102; Rajaram) wirelessly broadcasting it through a hardware device (Figure 1, Item 106; Rajaram) associated with the software device, update, utilizing a software interface (FSS) to diagnose, then resend feedback, with the possibility of replacing permanent memory in the process if necessary (Column 15, Lines 5-65; Rajaram).

With regard to claim 2, Rajaram teaches the platform system of claim 1, wherein the mobile terminal application software comprises software for testing the mobile terminal during production of the mobile terminal (Column 12, Lines 40-48; Rajaram). Rajaram shows that the PMRTI can be received alternately through a hardwire connection as in during initial factory calibration or during production, as shown above we know the function of the PMRTI is to facilitate testing of the mobile terminal (Column 15, Lines 5-65; Rajaram).

In regards to claim 3, Rajaram teaches the platform system of claim 1, wherein the mobile terminal application software comprise software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal (Column 15, Lines 5-65; Rajaram), in fact one of the major teachings of Rajaram is that of a means for upgrading a consumer electronic device without having

to recall the device, thereby teaching upgrades for the duration of the lifecycle of the mobile terminal.

With respect to claim 4, Rajaram teaches the platform system of claim 1, wherein the interface component comprises a middleware services layer, in fact the interface (FSS) acts as a middleware services layer, by providing the PMRTI to the existing software stored on the mobile device (Column 15, Lines 5-18; Rajaram).

Regarding claim 6, Rajaram teaches the platform system of claim 2, wherein the mobile terminal application software comprises software for use during servicing of the mobile terminal during the lifecycle of the mobile terminal, in fact Rajaram teaches that during lifecycle servicing the application software can be rewritten and is therefore used during servicing (Column 6, Lines 18-31; Rajaram).

With regard to claim 7, Rajaram teaches the platform system of claim 6, further comprising the mobile terminal application software (Column 5, Lines 21-25; Rajaram), it is inherent that a UI requires application software to run.

In regards to claim 8, Rajaram teaches the platform system of claim 1, further comprising the mobile terminal application software, wherein the mobile terminal application software comprise software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal (Column 15, Lines 5-65; Rajaram), in fact one of the major teachings of Rajaram is that of a means for upgrading a consumer electronic device without having to recall the device, thereby teaching upgrades for the duration of the lifecycle of the mobile terminal.

With respect to claim 9, Rajaram teaches the platform system of claim 1, wherein the hardware component interfaces with a factory test system, the factory test system being adapted to control the software for testing the mobile terminal during production of the mobile terminal (Column 12, Lines 38-45; Rajaram), at the heart of Rajaram's teaching is the means to manipulate mobile terminal software from an external source (Figure 1, Items 102 & 160; Rajaram), Rajaram teaches that this can be done in a factory calibration environment.

Regarding claim 10, Rajaram teaches the platform system of claim 1, wherein the hardware component interfaces with a factory test system, the factory test system being adapted to control the software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal (Column 12, Lines 46-48; Rajaram). Rajaram shows that recalibration at the factory is possible, and thereby reads on the lifecycle of the mobile terminal.

With regard to claim 11, Rajaram teaches the platform system of claim 1, wherein the mobile terminal is for use in a wireless telecommunication system (Column 1, Lines 20-24; 38-42; Rajaram).

In regard to claim 12, Rajaram teaches a method of testing a mobile terminal comprising an interface component having at least one software interface, the FSS (Column 2, Lines 32-39; Rajaram), the method comprising, interoperably connecting the mobile terminal to a test system (Figure 1, Item 102,160; Column 12, Lines 40-44; Rajaram), providing, via the interface component, of access by a mobile terminal test application software to software and hardware of the mobile terminal during testing of

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the mobile terminal (Column 15, Lines 5-65; Rajaram), controlling, by the test system, the mobile terminal test application software via an external interface during the testing of the mobile terminal (Column 12, Lines 40-44; Column 14, Lines 62-67; Column 17, Lines 23-38; Rajaram) , retaining the interface component, the hardware, and the software on the mobile terminal and deleting the mobile terminal test application software from the mobile terminal (Column 6, Lines 13-16; Rajaram). The examiner is interpreting the control by the test system to be that of the manufacturers control at analyzing the diagnosed data from the mobile terminal, and then sending new instructions to the mobile terminal based on that analysis, thereby imposing control by the test system.

With respect to claim 13, Rajaram teaches the method of claim 12, further comprising the step of using the mobile terminal in a wireless telecommunication system (Column 1, Lines 20-24; 38-42; Rajaram).

Regarding claim 14, Rajaram teaches the method of claim 12, further comprising deleting the mobile terminal test application software from the mobile terminal after the testing of the mobile terminal has been completed (Column 6, Lines 13-16; Rajaram).

With regard to claim 15, Rajaram teaches the method of claim 12, further comprising the step of deleting the mobile terminal test application software from the mobile terminal after it has been provided to a customer (Column 5, Lines 21-25; Column 6, Lines 13-16; Rajaram). The examiner is interpreting a 'user' (Column 5, Line 22, sixth word; Rajaram) recited in Rajaram to be that of an end user or customer.

In regard to claim 17, Rajaram teaches the method of claim 15, further comprising adding application software in a code space previously occupied, at least in part, by the deleted mobile terminal test application software. Rajaram teaches that the PMRTI is first loaded into the interface FSS then if need be is moved to code storage section 112, which can be overwritten with new program code, thereby reading on claim 17 (Column 6, Lines 9-12; Lines 43-57; Rajaram).

Regarding claim 18, Rajaram teaches the method of claim 12, wherein the mobile terminal application software comprises software for testing the mobile terminal during production (Column 12, Lines 40-48; Rajaram). Rajaram shows that the PMRTI can be received alternately through a hardwire connection as in during initial factory calibration or during production, as shown above we know the function of the PMRTI is to facilitate testing of the mobile terminal (Column 15, Lines 5-65; Rajaram).

In regards to claim 19, Rajaram teaches wherein the mobile terminal application software comprises software for testing the mobile terminal during servicing of them mobile terminal during the lifecycle of the mobile terminal (Column 15, Lines 5-65; Rajaram), in fact one of the major teachings of Rajaram is that of a means for upgrading a consumer electronic device without having to recall the device, thereby teaching upgrades for the duration of the lifecycle of the mobile terminal.

Response to Arguments

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stricklin et al (US 5,444,869) disclose a method and apparatus in a communication device for automatic transfer of control from an internal processor to an external computer.

Yambe (US 2003/0054858) discloses a data communication system connector cable and communication adapter medium used in the data communication system.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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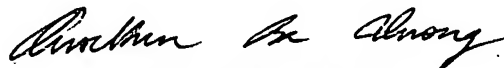
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christian A. Hannon
March 8, 2006



QUOCHIEN B. VUONG
PRIMARY EXAMINER